

KAUAI PLANNING COMMISSION
REGULAR MEETING

Tuesday, August 23, 2016

9:00 a.m. or Soon Thereafter
Līhu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihue, Kauai, Hawai'i

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting(s) of the Planning Commission

1. Meeting of July 12, 2016.
2. Meeting of July 26, 2016.

E. RECEIPT OF ITEMS FOR THE RECORD

F. HEARINGS AND PUBLIC COMMENT (Noticed hearings will not commence until 9:00 a.m. or soon thereafter.) Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony shall also be accepted when the agenda item is taken up by the Commission. However if an individual has already testified during this period, additional testimony at the agenda item testimony may be allowed at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.

1. Continued Agency Hearing

- a. Special Management Area Use Permit SMA(U)-2016-6 to construct a farm dwelling unit (FDU), garage, agriculture accessory buildings and associated improvements on a parcel located at the terminus of Anini Vista Road in Anini, approx. 900 north of its intersection with Kuhio Highway and further identified as 3471 Anini Road, Tax Map Key 5-3-009:003, CPR Unit 2, affecting a portion of a larger parcel containing a total land area of 12.073 acres = **Area K, LLC**. [Hearing continued 7/26/16.]

F. HEARINGS AND PUBLIC COMMENT (Cont'd)

2. New Agency Hearing

- a. Class IV Zoning Permit Z-IV-2016-20, Use Permit U-2016-17 and Special Permit SP-2016-7 to conduct ecological tours along the Mahaulepu coastline within parcels located east of the Poipu Road terminus in Poipu, further identified as Tax Map Keys 2-9-001:001 & 2-9-003:005, and affecting approx. 8 acres of a larger parcel = *Aina Pacific Consultants*. [Director's Report received by Clerk of the Commission 8/9/16.]
 1. Memorandum (8/9/16) from Michael A. Dahilig, Clerk of the Commission to Sean Mahoney, Chairperson and Members of the Kauai Planning Commission, receiving Director's Report on behalf of the Commission.
 - a. Director's Report pertaining to this matter.
- b. Class IV Zoning Permit Z-IV-2016-17, Use Permit U-2016-14 and Special Permit SP-2016-6 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the northern side of Koolau Road in Moloaa, further identified as 6867F Koolau Road, Tax Map Key 4-9-011:038, and containing a total area of 43,560 sq. ft. = *Steven & Eddi Henry*. [Director's Report received 6/28/16, Supplemental No. 1 Director's Report and hearing postponed 7/12/16.]
 1. Petition for Appeal of Planning Director's Recommendation for Denial of Special Permit SP-2016-6 (7/16/16) from James J. Bickerton, Esq. and Barry Edwards, Esq.

3. Continued Public Hearing (NONE)

4. New Public Hearing (NONE)

5. All remaining public testimony pursuant to HRS 92 (Sunshine Law)

G. CONSENT CALENDAR

1. Status Reports (NONE)

2. Director's Report(s) for Project(s) Scheduled for Agency Hearing (NONE)

H. EXECUTIVE SESSION

1. Pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with County's legal counsel on questions, issues, status and procedural matters pertaining to Federal Civil No. CV0800036SOMKSC, and State Circuit Civil No. 07-1-0026. This consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Commission and the County as they relate to this agenda item = *Coconut Beach Development, LLC*.

I. GENERAL BUSINESS MATTERS (NONE)

J. COMMUNICATION (For Action) (NONE)

K. COMMITTEE REPORTS

1. **Subdivision** Subdivision Action matters listed in the Subdivision Committee Agenda (attached).

L. UNFINISHED BUSINESS (For Action)

M. NEW BUSINESS

1. **For Action – See Agenda F for Project Descriptions**

N. ANNOUNCEMENTS

1. Topics for Future Meetings
2. The following scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, Hawaii 96766 on **Tuesday, September 27, 2016.**

O. ADJOURNMENT

EXECUTIVE SESSION: The Commission may go into an executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawaii Revised Statutes (“H.R.S.”), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Lihue, Hawaii 96766. Telephone: 241-4050.

Pursuant to Section 8-27.8 (6) of the Kauaʻi County Code (1987), as amended, the following shoreline setback determinations by the Director are disclosed for purposes of public notification.

August 23, 2016

SHORELINE SETBACK DETERMINATIONS

| Application No. | Name of Applicant(s) | Property I.D. (Tax Map Key) | Location | Reasons |
|------------------------|--------------------------------------|------------------------------------|-----------------|--------------------------------------|
| SSD-2017-3 | Kimmy Lyon & Michael Blow | 4-3-009:017 | Kapaa | Interior Renovations |
| SSD-2017-4 | Kukuiʻula Development Co. Hawaii LLC | 2-6-019:029 | Koloa | Pavillion Shade Structure |
| SSD-2017-5 | Geoffrey S. Avery, Trust | 5-5-002:093 | Hanalei | Shed & Fencing & After-the-Fact Gate |
| SSD-2017-6 | Moti Jiandani | 2-8-019:010 | Poipu | Interior Renovations |
| SSD-2017-7 | Larry & Connie Chatfield | 5-4-012:011 | Princeville | Interior Renovations |
| SSD-2017-8 | State of Hawaii | 4-6-014:111 | Kapaa | Re-roof & HVAC |
| SSD-2017-9 | Waioli Surf Shack Holdings, LLC | 5-5-005:008 | Hanalei | Spa |
| SSD-2017-10 | Stafan Mandel | 4-3-008:001 | Kapaa | Roof Addition |

KAUA'I PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING
Līhu'e Civic Center, Mo'ikeha Building
Meeting Room 2A-2B
4444 Rice Street, Līhu'e, Hawai'i 96766

Tuesday, August 23, 2016, 8:30 A.M.

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting(s) of the Subdivision Committee

1. Regular Meeting of July 26, 2016

E. RECEIPT OF ITEMS FOR THE RECORD (None)

F. HEARINGS AND PUBLIC COMMENT

Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony may also be accepted when the agenda item is taken up by the Commission at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.

G. GENERAL BUSINESS MATTERS (None)

H. UNFINISHED BUSINESS (None)

I. NEW BUSINESS (For Action)

1. Tentative Subdivision Approval

- a. Subdivision Application No. S-2017-1
(JOAN PORTER)
Proposed 2- lot Subdivision
TMK: (4) 5-2-017:026 & 028
Hanalei, Kauaʻi

- 1. Subdivision Report pertaining to this matter.

2. Final Subdivision Map Approval

- a. Subdivision Application No. S-2016-7
(FRANCIS ACOBA)
Proposed 2-lot subdivision
TMK: (4) 2-3-04:06
Kalaheo, Kauaʻi

- 1. Subdivision Report pertaining to this matter.

- b. Subdivision Application No. S-2015-15
(WAIOLI SURF SHACK LLC)
Proposed 2-lot consolidation
TMK: (4) 5-5-005:011 & 012
Hanalei, Kauaʻi

- 1. Subdivision Report pertaining to this matter.

- c. Subdivision Application No. S-2016-4
(WAIOLI SURF SHACK LLC)
Proposed 2-lot consolidation
TMK: (4) 5-5-005:009 & 010
Hanalei, Kauaʻi

- 1. Subdivision Report pertaining to this matter.

- d. Subdivision Application No. S-2013-16
(Kukuiʻula Development CO. (Hawaii) LLC)
Proposed 26-lot Subdivision
TMK: (4) 2-6-015:014
Koloa, Kauaʻi

- 1. Subdivision Report pertaining to this matter.

I. NEW BUSINESS (For Action) (Cont'd)

2. Final Subdivision Map Approval (Cont'd)

- e. Subdivision Application No. S-2016-13
(Clise Property Trust)

Proposed 2-lot Subdivision
TMK: (4) 2-6-014:008
Koloa, Kauaʻi

1. Subdivision Report pertaining to this matter.

- f. Subdivision Application No. S-2016-18
(Ann Murakami)

Proposed 3-lot Subdivision
TMK: (4) 4-1-015:017 & 018
Wailua, Kauaʻi

1. Subdivision Report pertaining to this matter.

3. Subdivision Extension Request

- a. Subdivision Application No. S-93-50
(MCBRYDE SUGAR COMPANY, LLC)

Proposed 14-lot Subdivision
TMK: (4) 2-4-07:20, 23-25
Koloa, Kauaʻi

1. Subdivision Report pertaining to this matter.

- b. Subdivision Application No. S-2006-4
(MCBRYDE SUGAR COMPANY, LLC)

Proposed 11-lot Subdivision
TMK: (4) 2-4-07:02, 03 & 18
Koloa, Kauaʻi

1. Subdivision Report pertaining to this matter.

J. ADJOURNMENT

NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Suite A473, Lihuʻe, Hawaiʻi 96766. Telephone: (808) 241-4050.

